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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,501	01/06/2004	Guoping Jia	200207061-2	3329

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EXAMINER
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KANE, CORDELIA P

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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07/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/751,501

Applicant(s)

JIA ET AL.

Examiner

Cordelia Kane

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/06/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This action is responsive to the non-provisional application filed on January 6, 2004. Claims 1 – 11 are pending. Claims 1, and 8 are independent.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the European Patent Office on December 13, 2002. It is noted, however, that applicant has not filed a certified copy of the European application as required by 35 U.S.C. 119(b).

3. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in the European Patent Office on December 13, 2002. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 2, 6 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Shoshanna Loeb et al's US Patent 5,245,656.

6. Referring to claim 1, Loeb teaches:

- a. Storing user profile information (column 4, lines 5-13).
- b. Generating a false user profile (column 4, lines 19-20).
- c. Transmitting the false user profile to a third party (column 4, lines 47-48) including a data request (column 4, lines 5-6).
- d. Receiving a response from the third party (column 4, lines 48-49).
- e. Generating a response based on the true user profile (column 4, lines 53-62).

7. Referring to claim 2, Loeb teaches:

- f. Generating an entirely false profile (U') which is not the same as the true user profile (U) (column 4, lines 19-20).

8. Claims 8 and 9 are the method claims for the system of claims 1 and 2. Loeb teaches a method (column 1, line 67). Since the system claims are rejected so are the corresponding method claims.

9. Referring to claim 6, it is inherent that receiving the responses would take place over a period of time.

10. Referring to claim 7, Loeb teaches that the profile generator is remote to the user (Figure, 40).

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11. Referring to claim 10, Loeb teaches that the network could be a wide area or local area network (column 2, line 29). Thus it is inherent that the end user stations would be a computer.

12. Referring to claim 11, Loeb teaches that the network could be a wide area or local area network (column 2, line 29). Thus it is inherent that the end user stations would include a personal computer, or portable computer.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 3 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loeb, as applied to claim 1 above, and further in view of Frederick Herz et al's US Patent 5,754,938.

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16. Loeb discloses all the limitations of the parent claim. Loeb does not appear to explicitly disclose using interpolation to determine the appropriate response, or the false user profile being random. However, Herz discloses:

- g. That a user has a partial profile made up of different data (column 5, lines 61-62).
- h. That the pseudonym or false profile is random (column 36, lines 27-32).
- i. That interpolation is the best method to use to estimate a users response (column 19, lines 19-21). Herz does not specifically appear to mention interpolating between two user partial profiles, but it would have been obvious to combine the partial profiles of the same user, as taught by Loeb, with the interpolation of the whole profiles of two different users as taught by Herz to estimate the best value for a response from the partial profiles.

Loeb and Herz are analogous art because they are from the same field of endeavor, pseudonyms in electronic transactions. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Loeb and Herz before him or her, to modify Loeb to include the interpolation and random generation of Herz. The motivation for doing so would have been that interpolation is an effective method at estimating values (column 19, lines 12-13). Therefor it would have been obvious to combine Herz with Loeb to obtain the invention as specified in the instant claims.

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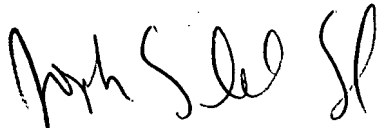
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cordelia Kane whose telephone number is 571-272-7771. The examiner can normally be reached on Monday - Thursday 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CPK

  
JOSEPH DEL SOLE  
SUPERVISORY PATENT EXAMINER  
6/26/07